

REMARKS

The Examiner is thanked for his courtesy in entering the Amendment filed September 7, 2007.

The Examiner repeated the provisional rejection for double patenting over claims 1-53 of copending application 10/505,392.

The applicant believes that this rejection is premature because no claims have been allowed in Serial No. 10/505,392. Upon the indication of allowable subject matter, a terminal disclaimer will be filed.

The rejection of Claims 1-4, 7-15, 18-26, 29-37, 40-48, 51-59, 62-70, 73-81, 83-88 and 97 under 35 U.S.C. §102(b) as being anticipated by Egan has been withdrawn.

The rejection of claims 5-6, 16-17, 27-28, 39-40, 49-50, 60-61, 71-72 and 82-83 were rejected under 35 U.S.C. §103(a) as being unpatentable over Egan in view of Kobe has been withdrawn.

Claims 1-4, 7-15, 18-26, 29-37, 40-48, 51-59, 62-70, 73-81, 83-88 and 97 have been again rejected under 35 U.S.C. §102(b) as being anticipated by Egan.

The rejection of claim 89-96 under 35 U.S.C. §103(a) as being unpatentable over Egan in view of Grabau has been withdrawn.

Reconsideration is requested.

Claims 1, 12, 23, 34, 45, 56, 67, 78 and 97, which are the independent claims, have been amended to point out that the surface is selectively modified in a predetermined pattern by applying no surface treatment in some areas and surface treatment in other areas by a corona treatment, flame treatment, plasma treatment or a combination thereof. This language is based on the original specification at page 25, line 8-11. Minor amendments have been made in the texts of claims 1, 12, 23, 34, 45, 56, 67, 78 and 97 to provide a

proper antecedent basis and to clarify the text of the claims.

The Egan patent has been cited as disclosing an article of manufacture (figure 6-comprising a first support layer of film with a permanent bond interface, a second film layer adhesively secured to the lower surface of the first film at the permanent adhesive bond but having a separable interface between the adhesive and the release coat of film with a removable die cut segment having a variable selective adhesion to the separable interface.

The Egan patent at col. 9, lines 30-68 describes the use of a coating containing a release agent such as a silicone that is printed on a pattern such as is disclosed in Figs. 19-21. The independent claims, 1, 12, 23, 45, 56, 67, 78 and 97, have been amended to recite that the selective surface treatment that is used by the applicant is a corona, flame, plasma or combination thereof treatment. That treatment increases the adhesion selectively rather than selectively decreases the adhesions. The placement of a liquid coating, in a pattern, is quite difficult as the liquid may move before it is cured. The application of a liquid release coating does not make obvious the use of physical means that will increase adhesion in making a releasable element in a diecut laminate. For these reasons, Egan does not anticipate the amended claims of the present application.

Claims 5, 16, 27, 38, 49, 60, 71 and 82 have been canceled as the substance of these claims is now included in the independent claims. The Examiner has commented that as to claims 11, 22, 33, 44, 55, 66, 77, and 88, no patentable weight is given as the process condition is not germane to the patentability of the product. It is believed that this approach to patentability is not proper as a structure may be defined by the process by which it is made provided that it is not the same structure as is found in the prior art.

MPEP§2113 [Rev.6 Sept 2007] provides, in part, that structure implied by process steps should be considered when assessing the patentability of product-by-process claims, especially when the manufacturing steps would be expected to impart distinctive structural characteristics to the final product. Based on this evaluation of the applicants product, it is apparent that a novel structure has been claimed by reference to the corona, flame or plasma treatment steps. For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 5-6, 16-17, 27-28, 39-40, 49-50, 60-61, 71-72 and 82-83 were again rejected under 35 U.S.C. §103(a) as being unpatentable over Egan in view of Kobe.

Reconsideration is requested.

The Egan reference has been distinguished above based on the variable adhesion that has been achieved by a distinctly different approach that avoids the Egan coating process to place a patterned coating on a surface in some area while leaving other areas uncoated. A liquid coating system that reduces adhesion does not make obvious the use of a corona, flame or plasma treatment that increases adhesion, even when both processes are selectively employed. In addition, the application of a liquid coating to a surface when it is desired to form a predetermined pattern is much more difficult and costly than the use of a corona, plasma or flame treatment procedure, because liquids migrate and must be dried or cured before the liquid treated surface can contact another surface.

The Kobe patent at col. 18, line 24, mentions the use of flame treatment to increase the dyne level or adhesion. However, the concept of *selective* flame treatment is not disclosed by Kobe. For this reason and the reasons set forth above, the prior art does not make obvious the treatment of some areas to increase adhesion and no treatment of other

areas. For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 89-96 have been again rejected under 35 U.S.C. §103(a) as being unpatentable over Egan in view of Grabau.

Reconsideration is requested.

The Egan reference have been discussed above and it does not disclose an article as defined by amended claim 1. Egan only teaches thermal lamination of two plastic films where a pattern of a release coating has been applied to one of the plastic sheets prior to the thermal lamination step for the purpose of allowing the separation of the thermally bonded sheets. There is no mention of the use of a corona, flame or plasma surface treatment process.

Grabau teaches the concept of embedding an RFID device in a label but it does not disclose the concept of providing one type of interface between one face of an adhesive layer and a different interface between the opposite face of the adhesive layer. The Egan patent has been distinguished above from the claims of the present application and nothing in Grabau provides any information that suggests the particular structure that is pointed out in the amended claims of the present application. For these reasons, it is requested that this ground of rejection be withdrawn.

An early and favorable action is earnestly
solicited.

Respectfully submitted,



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